

Before The
POSTAL REGULATORY COMMISSION
Washington, DC 20268-0001

Mail Processing Network Rationalization
Service Changes, 2012

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Docket No. N2012-1

NATIONAL POSTAL MAIL HANDLERS UNION MOTION FOR ACCESS TO NON-
PUBLIC INFORMATION

Pursuant to 39 CFR 3007.40 and Rule 21 of the Commission's Rules of Practice and Procedure, the National Postal Mail Handlers Union ("NPMHU") moves for access to materials filed by the United States Postal Service in the non-public annex of this docket, docketed as library references USPS-LR-N2012-1/NP1, NP2, NP3, NP4, NP5 and NP6.

The NPMHU is the exclusive collective bargaining representative for approximately 47,000 Mail Handlers employed by the United States Postal Service. The NPMHU members are responsible for loading and unloading trucks, transporting mail within the facility, preparing, sorting, and containerizing the mail for distribution and delivery, and operating a host of machinery and automated equipment to facilitate the distribution of the mail.

The proposal before the Commission would have a significant effect upon NPMHU members, and the NPMHU accordingly has intervened in this proceeding and

given notice that it intends to participate actively in any hearing. NPMHU is not a competitor of the Postal Service, and is not affiliated with any private delivery services, communications or mailing industries. Allowing the NPMHU access to these materials will in no way jeopardize the Postal Service's competitive position. Further, the Commission recently granted the request of another labor union representing postal employees, the American Postal Workers Union (APWU), for access to non-public library references NP1, NP2, NP3, NP4 and NP6.¹ See Dckt N2012-1, Ruling No. N2012-1/1 (Dec. 14, 2011).

In accordance with 39 CFR 3007.40(b), in order to expedite the request, the following NPMHU representatives and attorneys have completed a Statement of Compliance with Protective Conditions, and such Statements are attached hereto:

Bruce R. Lerner
Andrew Roth
Kathleen Keller
Douglas Callahan
Bredhoff & Kaiser PLLC
805 15th St, NW
Washington, DC 20005
Counsel for NPMHU

John Hegarty, *President*
William Flynn, *Contract Administration Department*
Michael Hora, *Contract Administration Department*
National Postal Mail Handlers Union
1101 Connecticut Avenue, NW, Suite 500
Washington, DC 20036

¹ Library Reference NP5 had not yet been filed at the time the APWU filed its motion, although the APWU has since filed a separate motion seeking access to that additional non-public library reference.

Wherefore, the NPMHU respectfully requests that the Commission grant it access to non-public library references NP1, NP2, NP3, NP4, NP5, and NP6 filed in this docket.

Respectfully submitted,

Bruce R. Lerner
Andrew D. Roth
Kathleen M. Keller
Douglas E. Callahan
Bredhoff & Kaiser, P.L.L.C.
805 Fifteenth Street, N.W.
Suite 1000
Washington, DC 20005
(202) 842-2600

*Counsel for National Postal
Mail Handlers Union*

December 20, 2011

STATEMENT OF COMPLIANCE WITH PROTECTIVE CONDITIONS

The Postal Service has filed non-public materials identified as USPS-LR-N2012-1/NP1, NP2, NP3, NP4, NP5 and NP6 in Commission Docket No. N2012-1. The Postal Service requests confidential treatment of the materials (hereinafter "these materials").

The following protective conditions limit access to these materials identified as N2012-1/NP1, NP2, NP3, NP4, NP5 and NP6 by the Postal Service. Each person seeking to obtain access to these materials must agree to comply with these conditions, complete the attached certifications, and provide the completed certifications to the Commission and counsel for the Postal Service.

1. Access to these materials is limited to a person as defined in rule 5(f), 39 CFR 3001.5(f), or an individual employed by such person, or acting as agent, consultant, contractor, affiliated person, or other representative of such person for purposes related to the matter identified as Docket No. N2012-1. However, no person involved in competitive decision-making for any entity that might gain competitive advantage from use of this information shall be granted access to these materials. "Involved in competitive decision-making" includes consulting on marketing or advertising strategies, pricing, product research and development, product design, or the competitive structuring and composition of bids, offers or proposals. It does not include rendering legal advice or performing other services that are not directly in furtherance of activities in competition with a person or entity having a proprietary interest in the protected material.
2. No person granted access to these materials is permitted to disseminate them in whole or in part to any person not authorized to obtain access under these conditions.
3. Immediately after access has terminated under 39 CFR 3007.41 or 3007.51, a person (and any individual working on behalf of that person) who has obtained a copy of these materials shall certify to the Commission:
 - (a) That the copy was maintained in accordance with these conditions (or others established by the Commission); and
 - (b) That the copy (and any duplicates) either have been destroyed or returned to the Commission.
4. The duties of each person obtaining access to these materials shall apply to material disclosed or duplicated in writing, orally, electronically, or otherwise, by any means, format, or medium. These duties shall apply to the disclosure of excerpts from or parts of the document, as well as to the entire document.

5. All persons who obtain access to these materials are required to protect the document by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized disclosure of the document as those persons, in the ordinary course of business, would be expected to use to protect their own proprietary material or trade secrets and other internal, confidential, commercially sensitive, and privileged information.
6. These conditions shall apply to apply revised, amended, or supplemental versions of these materials provided in the matter identified as Docket No. N2012-1.
7. The duty of nondisclosure of each person obtaining access to these materials is continuing, terminable only by specific order of the Commission, or as specified in paragraphs 9 and 10, below.
8. Each person granted access to these materials consents to these or such other conditions as the Commission may approve.
9. Any written materials that quote or contain materials protected under these protective conditions are also covered by the same protective conditions and certification requirements, and shall be filed with the Commission only under seal. Documents submitted to the Commission as confidential shall remain sealed while in the Secretary's office or such other place as the Commission may designate so long as they retain their status as stamped confidential documents.
10. If a court or other administrative agency subpoenas or orders production of confidential information which a person has obtained under the terms of this protective order, the target of the subpoena or order shall promptly (within 2 business days) notify the Postal Service of the pendency of the subpoena or order to allow it time to object to that production or seek a protective order.

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as Docket No. 2012-1, NP1, NP2, NP3, NP4, NP5 and NP6, by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Docket No. 2012-1. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name

Bruce R Lerner

Firm

Bredhoff & Kaiser PLLC

Title

Attorney

Representing

NAMHU

Signature

Bruce R Lerner

Date

12/19/11

CERTIFICATION

The undersigned represents that:

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Name	<u>Andrew D. Roth</u>
Firm	<u>Bredhoff + Kaiser PLLC</u>
Title	<u>Attorney</u>
Representing	<u>NPMHU</u>
Signature	<u>Andrew D. Roth</u>
Date	<u>12/20/11</u>

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as Docket No. 2012-1, NP1, NP2, NP3, NP4, NP5 and NP6, by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Docket No. 2012-1. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name

JOHN F. HEGARTY

Firm

NATIONAL POSTAL MAIL HANDLERS UNION

Title

PRESIDENT

Representing

NATIONAL POSTAL MAIL HANDLERS UNION

Signature

J. F. Hegarty


Date

12/19/11

CERTIFICATION

The undersigned represents that:

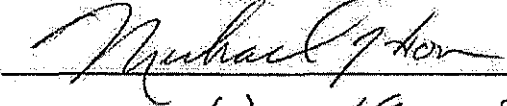
Access to these materials provided in the matter identified as Docket No. 2012-1, NP1, NP2, NP3, NP4, NP5 and NP6, by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Docket No. 2012-1. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	Bill Flynn
Firm	NPMHU
Title	Manager; Contract Administration Department
Representing	National Postal Mail Handlers Union
Signature	
Date	12/14/11

CERTIFICATION

The undersigned represents that:

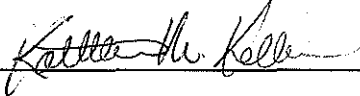
Access to these materials provided in the matter identified as Docket No. 2012-1, NP1, NP2, NP3, NP4, NP5 and NP6, by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Docket No. 2012-1. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	Michael J Hora
Firm	NPMHU
Title	Contract Administration Department Representative
Representing	National Postal Mail Handlers Union
Signature	
Date	12-19-2011

CERTIFICATION

The undersigned represents that:


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Name	<u>Kathleen M. Keller</u>
Firm	<u>Bredhoff & Kaiser, PLLC</u>
Title	<u>Attorney</u>
Representing	<u>National Postal Mail Handlers Union (NPMHU)</u>
Signature	<u></u>
Date	<u>12/20/11</u>

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The undersigned represents that:

Access to these materials provided in the matter identified as Docket No. 2012-1, NP1, NP2, NP3, NP4, NP5 and NP6, by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Docket No. 2012-1. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	_____ Douglas Callahan _____
Firm	_____ Bredhoff & Kaiser PLLC _____
Title	_____ Associate _____
Representing	_____ National Postal Mail Handlers Union _____
Signature	_____  _____
Date	_____ December 19, 2011 _____